

Message Text

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ACTION SNM-05

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FM AMEMBASSY SUVA
TO SECSTATE WASHDC 7705

UNCLAS SUVA 1354

E.O. 11652: N/A
TAGS: SNAR
SUBJECT: NARCOTICS LAW - FIJI

REF: STATE 170187

1. FOLLOWING IS INFORMATION SUPPLIED BY ACTING COMMISSIONER
OF FIJI POLICE IN RESPONSE TO QUESTION RE NARCOTICS LAW
RAISED REFTEL. WHEN WORLDWIDE DATA IS ACCUMULATED,
EMBASSY WOULD LIKE TO RECEIVE COPY OF REPORT AND TO
SHARE IT WITH THE FIJI POLICE. FORMAT OF RESPONSES
IS GEARED TO THAT OF REFTEL.

2. (1) POSSESSION:
- (A) THERE ARE NO DIFFERENT LAWS FOR POSSESSION
OF VARIOUS NARCOTICS. THEY ARE COVERED UNDER
THE DANGEROUS DRUGS ACT, CAP. 95. THE
GENERAL PENALTY UNDER SECTION 39 (2) IS A
FINE OF NOT EXCEEDING ,000.00 OR
IMPROSONMENT FOR SUCH A TERM NOT EXCEEDING
8 YEARS OR BOTH/SUCH FINE AND IMPROSONMENT
INCLUDING FORFEUTURE OF ALL ARTICLES IN
RESPECT OF WHICH OFFENCE AS COMMITTED TO
THE CROWN.
 - (B) ANY AMOUNT.
 - (C) AS AT (A) ABOVE.

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- (2) TRAFFICKING:
- (A) THE LAW CONSOLIDATES ALL CONTROLLED SUB-
STANCES INTO A GENERAL TRAFFICKING OFFENCE.
 - (B) PENALTY AS AT (A) FOR POSSESSION ABOVE
BUT GENERALLY ON COURTS DISCRETION.

(C) ANY AMOUNT.

(D) THERE IS NO SPECIFIC OFFENCE RELATING TO CONSPIRACY TO TRAFFIC, IMPORT OR MARKET DRUGS. HOWEVER, CAP. 95 SECTION 39(1) (D) MAKES IT AN OFFENCE TO AID AND ABET, COUNSEL OR PROCURE ANY PERSON IN ANY PLACE OUTSIDE FIJI OF ANY OFFENCE PUNISHABLE UNDER THE PROVISIONS OF ANY CORRESPONDING LAW IN FORCE IN THAT PLACE OR TO DO ANY ACT PREPARATORY TO OR IN FURTHERANCE OF ANY ACT WHICH, IF COMMITTED IN FIJI, WOULD CONSTITUTE AN OFFENCE AGAINST CAP. 95. CHAPTER XLIII OF PENAL CODE, CAPP. 11 ALSO DEALS WITH CONSPIRACIES GENERALLY.

(3) CULTIVATION:

(A) YES, CUTIVATION IS PROHIBITED BY SECTION 7 CAP. 95. PENALTY AS FOR POSSESSION.

(B) NOT LEGAL

(C) UNDER GENERAL PENALTY . (NO SPECIAL PENALTIES PROVIDED).

(4) FINANCIAL:

(A) NO.

(B) YES, UNDER THE EXCHANGE CONTROL ACT. CAP. 186.

(5) CRIMINAL PROCEDURE:

(A) NO. CONSULAR ACCESS IS PERMITTED RUING THIS PERIOD AND AS IN ALL CASES, EMBASSY (CONSUL) IS UNNOTIFIED OF ARRESTS.

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(B) UNDER THE CRIMINAL PROCEDURE CODE, CAP. 14 A REMAND PERIOD OF 14 CLEAR DAYS IS PROVIDED. THERE IS NO SPECIAL PROVISION FOR LENGTH OF PRETRIAL DETENTION BUT UNDER THE GENERAL PROVISION OF THE CRMINAL PROCEDURE CODE A REMAND UP TO 14 DAYS MAY BE ORDERED BY THE COURT.

(C) 1. THERE IS NO TIME LIMIT FOR TRIALS.

2. AS ABOVE.

3. NOTICE FOR APPEAL MUST BE GIVEN WITHIN 28 DAYS, OUTSIDE THIS TIME THE COURT MAY GRANT SPECIAL LEAVE.

(D) NO. LAWYERS ARE AVAILABLE BUT THE FEE IS NOT CONTROLLED BY LAW. THE USUAL FEE VARIES GREATLY ON THE ABILITY AND QUALIFICATION OF THE LAWYER ENGAGED.

(E) NO

(F) NO

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